

## REMARKS

Claims 1 - 15 remain active in this application. No amendment are currently presented and no new matter has been introduced into the application. The continued indication of allowability of the subject matter of claims 6 and 13 is noted with appreciation.

Claim 1 has been rejected under 35 U.S.C. §103 as being unpatentable over Simmons et al. Claims 2 - 6, 7 - 12 and 14 - 15 have been rejected under 35 U.S.C. §103 as being unpatentable over Simmons et al. in view of Cheney et al. both of these grounds of rejection are respectfully traversed for the reasons of record and the further remarks provided below in regard to the Examiner's response to those previously submitted remarks in the current action.

Initially it is noted that the Examiner rejects claim 1 under 35 U.S.C. §103; admitting that Simmons et al. does not teach a frame switch point, as claimed, but asserting that a frame switch point would be obvious over, if not identical to, the frame synchronization (FS) pattern disclosed by Simmons et al. However, it is respectfully pointed out that the frame claimed switch point, determined as explicitly claimed, differs from the FS pattern of Simmons et al. in several significant ways.

First, Simmons et al. describes the FS pattern 66 as a sync signal included with other frame head information 68 in the frame head 62 (Figure 3). Simmons et al. further describes FS pattern 66 as "a data or bit pattern that will ideally only appear in a communication signal when an FS pattern is actually being transmitted and provides for determination of frame timing and other synchronization information by a receiver" (column 5, lines 21 - 25, noted by the Examiner) and also indicates

that the remainder of the frame head information (e.g. 68) may "for example, designate a particular decoding process to be used in a receiver" (column 5, lines 25 - 27). As the Examiner observes, when an FS pattern is encountered or detected, a full frame is decoded and upon completion of the decoding, the system of Simmons et al. reverts to a search mode for another FS pattern, presumably for a next frame (see column 5, lines 38 - 50). The following text then outlines problems associated if a signal pattern which is not an FS pattern is falsely or incorrectly detected as an FS pattern.

Therefore, it is respectfully submitted to be clear from Simmons et al., in the very passages relied upon by the Examiner, that the FS pattern of Simmons et al. does not answer the explicit claim recitation of "determining a frame switch point in accordance with a signal corresponding to completion of decoding of a previous frame" but, rather, the arrangement of Simmons et al. merely enters a mode to *search for* an FS pattern at the completion of decoding a frame. In short, Simmons et al. refers to a frame synchronization (FS) pattern because that terminology is descriptive of its function while a frame switch point would not be descriptive of its function in Simmons et al. to indicate the *start of a frame to be transmitted* and, by the same token, the determination and function of the frame switch point in accordance with the invention which serves to indicate when decoding of a *received or partially received frame can begin* cannot be performed based on a signal that precedes data for a frame and has no temporal relation to a previous frame (or bottom border). This distinction of the invention from Simmons et al. clearly supports the meritorious function of minimizing data latency and spill buffer requirements not available from Simmons et al.

Further, it is also respectfully submitted to be clear from the passages of Simmons et al. relied upon by the Examiner, as discussed above, that the FS pattern of Simmons et al. does not answer the explicit recitation of "synchronizing said motion video decoder for decoding compressed image data in accordance with one of display of a bottom border of a scaled image and said frame switch point" even if that recitation could be answered by synchronizing to the frame switch point alone since the frame switch point of the invention is determined upon *completion* of decoding of a frame whereas the FS pattern of Simmons et al. occurs *prior to the frame information* and serves to synchronize the decoding of the frame which *follows* the FS pattern. Moreover, it is respectfully submitted that the context of this latter claim recitation, properly interpreted in light of the specification, which the Examiner explicitly indicates is understood, clearly defines the scope of the claimed method as requiring the capability of performing synchronization upon alternative conditions or signals and that a teaching answering synchronization upon only a single condition (even if Simmons et al. taught a signal answering the claimed frame switch point, determined as claimed) does not, in fact, answer the recitations of the claim. In other words, the Examiner has failed to demonstrate that Simmons et al. teaches or suggests the alternative function by which the Examiner seeks to justify a ground of rejection that is clearly improper. However, should the Examiner become aware of any language which is considered to be more explicit in that regard, the undersigned would be pleased to consider it upon being contacted by the Examiner by telephone at the number given below. Again, particularly in this latter regard, the ability to synchronize *decoding* based on

either of two conditions or signals supports the meritorious functions of the invention not available from Simmons et al. and thus it is respectfully submitted that Simmons et al. and the claims cannot properly be simultaneously construed in different ways to provide a colorable basis for rejection of claims as being obvious under 35 U.S.C. §103 when Simmons et al. does not lead to an expectation of success in achieving the meritorious effects of the invention and provides no evidence of the level of ordinary skill in the art which would support a conclusion of obviousness of claimed subject matter which is admitted by the Examiner not to be anticipated by Simmons et al. Therefore, it is respectfully submitted that the Examiner has failed to make and cannot make a *prima facie* demonstration of obviousness of claim 1 (or any other claim) based on Simmons et al.

Accordingly, it is respectfully submitted that claim 1 is clearly distinguished from Simmons et al. and that rejection thereof is untenable. Therefore, reconsideration and withdrawal of that ground of rejection is respectfully requested.

It is also respectfully submitted that, in regard to claims 2 - 5 and 7 depending from claim 1, the above-discussed deficiencies of Simmons et al. are not mitigated by Cheney et al. and the Examiner has not asserted that they are. Therefore, the Examiner has failed to make and cannot make a *prima facie* demonstration of obviousness of any of claims 2 - 5 and 7 based on the combination of Simmons et al. and Cheney et al. Accordingly reconsideration and withdrawal of the ground of rejection asserted in regard to claims 2 - 5 and 7 are respectfully requested.

In regard to claims 9 - 15, also rejected under 35 U.S.C. §103 based on the combination of Simmons et al.

and Cheney et al., it is respectfully pointed out that Cheney et al. does not contain the teachings which the Examiner attributes to it and, moreover, the Examiner has not addressed significant recitations of these claims. For example, column 14, lines 36 - 44, do not mention alteration of latency, much less doing so in combination with scaling and in response to a result of *testing* the spill buffer; neither of which is mentioned in the statement of the ground of rejection or seen in Cheney et al. Rather, column 14, lines 16 - 28, of Cheney et al. merely indicate that latency must be increased for accommodation of B frames which are bi-directionally interpolated from preceding and following frames which must be decoded prior to decoding the B frame. Thus, while Cheney et al. teaches the use of a spill buffer to *accommodate required* increased latency, it does not appear to have anything to do with any testing of the spill buffer, scaling in a decoding path or altering of latency in response to a result of such a test; all of which are explicitly recited in independent claim 9.

Similarly, in regard to claim 10, column 14, lines 25 - 44, merely discuss redirection of addressing between the frame buffer and the spill buffer but are silent in regard to reconfiguration of a frame buffer or accommodation of increased latency of a motion video data which is scaled in the decoding path. Likewise in regard to claims 11 - 12, Figure 5, and column 9, line 66 through column 10, line 5, contain no mention of scaling and it is clear that the reference to interpolation is clearly in reference to predicted image data due to motion rather than scaling (e.g. alteration of image size as defined at, for example, page 4, line 11, of the present specification) of the image much less "continuous scaling", as recited in these claims. Additionally, in

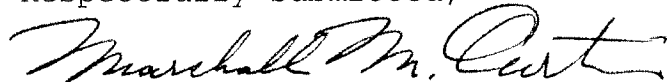
regard to claims 14 - 15, Figure 15 and column 15, lines 1 - 31, merely indicate that the modulo buffer size is equal to the frame buffer size plus the spill buffer size and that the buffer size can be set to less than the maximum allocated area of the frame buffer but has nothing to do with a spill buffer having a capacity of less than one *field*, much less a fraction thereof, as recited in these claims.

The Examiner's attention is also called to column 15, line 48+, of Cheney et al wherein a low delay or latency mode of operation is possible when no B frames are present but only at the expense of using a *large* spill buffer (e.g. four times the size used in normal mode. Thus, much in the manner of Simmons et al., Cheney et al. is clearly seen to teach away from the achievement of the meritorious effects of the invention which minimizes frame buffer and spill buffer capacity (while accommodating scaling which Cheney et al. does not achieve or enable). Therefore, it is respectfully submitted that Cheney et al. cannot provide evidence of the level of ordinary skill in the art which would support a conclusion of obviousness in regard to any of the claimed subject matter which neither Simmons et al. nor Cheney et al. answer since neither reference leads to an expectation of success in achieving the meritorious effects of the invention, much less in the manner explicitly claimed. Accordingly, it is respectfully submitted that the Examiner has not made and cannot make a *prima facie* demonstration of obviousness in regard to any of claims 9 - 15 based on Simmons et al. and Cheney et al. and, upon reconsideration, the asserted ground of rejection should be withdrawn in regard to these claims as well.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to International Business Machines Corporation Deposit Account No. 09-0457.

Respectfully submitted,



Marshall M. Curtis  
Reg. No. 33,138

Whitham, Curtis, Christofferson & Cook, P. C.  
11491 Sunset Hills Road, Suite 340  
Reston, Virginia 20190

(703) 787-9400  
Customer Number: **30743**